

# Agenda Item Form

Agenda Date: 8/24/04

04 AUG 19 PM 3:23

Districts Affected: 3

Dept. Head/Contact Information: Patrick T. Abeln, Director of Aviation-780-4724

## Type of Agenda Item:

- |  |   |  |
|--|---|--|
| <input checked="" type="checkbox"/> Resolution                       | <input type="checkbox"/> Staffing Table Changes   | <input type="checkbox"/> Board Appointments        |
| <input type="checkbox"/> Tax Installment Agreements                  | <input type="checkbox"/> Tax Refunds              | <input type="checkbox"/> Donations                 |
| <input type="checkbox"/> RFP/ BID/ Best Value Procurement            | <input type="checkbox"/> Budget Transfer          | <input type="checkbox"/> Item Placed by Citizen    |
| <input type="checkbox"/> Application for Facility Use                | <input type="checkbox"/> Bldg. Permits/Inspection | <input type="checkbox"/> Introduction of Ordinance |
| <input type="checkbox"/> Interlocal Agreements                       | <input type="checkbox"/> Contract/Lease Agreement | <input type="checkbox"/> Grant Application         |
| <input checked="" type="checkbox"/> Other <u>Electrical Easement</u> |   |  |

## Funding Source:

- ☐ General Fund
- ☐ Grant (duration of funds: \_\_\_\_\_ Months)
- ☐ Other Source: \_\_\_\_\_

## Legal:

- ☒ Legal Review Required      Attorney Assigned (please scroll down): Terri Cullen-Garney      ☒ Approved      ☐ Denied

Timeline Priority: ☒ High      ☐ Medium      ☐ Low      # of days: \_\_\_\_\_

## Why is this item necessary:

To provide electrical service to the new FBO ramp.

## Explain Costs, including ongoing maintenance and operating expenditures, or Cost Savings:

N/A

## Statutory or Citizen Concerns:

NONE

## Departmental Concerns:

NONE

ITEM: That the Mayor be authorized to sign an Agreement granting an Underground Electrical Easement to the El Paso Electric Company on a portion of Lot 17, Block 1, El Paso International Airport Tracts, Unit 11, El Paso County, Texas municipally known and numbered as 1771 Shuttle Columbia Drive, El Paso, Texas.



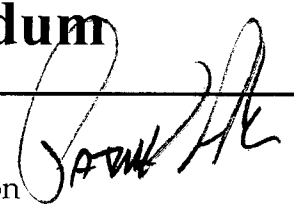
**El Paso  
INTERNATIONAL AIRPORT**

04 AUG 19 PM 3:23

**Memorandum**

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**TO:** Mayor & Council

**FROM:** Patrick T. Abeln, A.A.E., Director of Aviation 

**SUBJECT:** Underground Electrical Easement - 1771 Shuttle Columbia Drive  
08-24-04 Council Consent Agenda Item

**DATE:** August 19, 2004

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City Council approval of this item will grant El Paso Electric Company an underground electrical easement, located at 1771 Shuttle Columbia Drive. The transformer at this location is providing electrical power to the newly built ramp for the relocation of the Fixed Base Operators at El Paso International Airport.

The Department of Aviation recommends approval of this item.

Please call me at 780-4736, or Monica Lombrana at 780-4793, should you have any questions – thank you.

## RESOLUTION

### BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement granting an Underground Electrical Easement to the El Paso Electric Company on a Portion of Lot 17, Block 1, El Paso International Airport Tracts, Unit 11, El Paso County, Texas, municipally known and numbered as 1771 Shuttle Columbia Drive, El Paso, Texas.

**ADOPTED THIS 24TH DAY OF AUGUST 2004.**

THE CITY OF EL PASO

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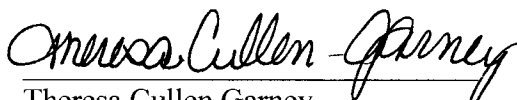
Joe Wardy  
Mayor

ATTEST:

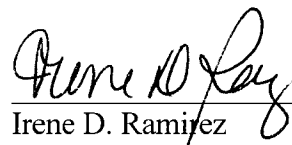
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Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

  
Theresa Cullen Garney  
Deputy City Attorney

APPROVED AS TO CONTENT:

  
Irene D. Ramirez  
Interim City Engineer

STATE OF TEXAS                    )  
  ) UNDERGROUND ELECTRICAL EASEMENT  
COUNTY OF EL PASO            )

For and in consideration of the sum of one dollar and No/100 (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the City of El Paso (“Grantor”) grants unto El Paso Electric Company (“Grantee”), its successors and assigns, the right, privilege, and easement to enter upon, erect, construct, operate and maintain an underground electrical system consisting of one (1) transformer (conventional or pad mount), ducts, conduits, fixtures, manholes, handholds, vaults, and other usual appurtenances pertaining thereto, and an underground crossing with all necessary wires pertaining thereto, with the right of access, ingress and egress thereto, for the installation, operation, inspection, repair, maintenance, replacement, renewal or removal thereof, for the distribution of electricity, or any and all purposes for which same is or may hereafter be used, over, upon, and along the following described premises in El Paso County, Texas, to wit:

Lot 17, Block 1, El Paso International Airport Tracts, Unit 11, El Paso County, Texas, municipally known and numbered as 1771 Shuttle Columbia Drive, El Paso, TX, more fully described on Exhibit “A” attached hereto and incorporated by reference.

This easement shall be for the term of the Grantee’s franchise and any extension and renewal thereof by the Grantor, but in no event shall the easement run longer than forty (40) years from the date hereof.

In accepting this grant, Grantee agrees that it will repair or restore, as reasonable, landscaping and paving if disturbed by Grantee as a result of construction, maintenance or repairs of or to its facilities in and upon such easement.

Grantor reserves the right to full use and enjoyment of said property except for the purposes herein granted.

Grantor will not be held responsible for any damage to Grantee’s underground facility for excessive erosion due to flood run-off.

Should Grantee abandon the easement then the easement hereinabove described shall revert to Grantor or its successor and assigns. Such abandonment shall be conclusively presumed following non-use by the Grantee for one year and with use not being resumed within sixty (60) days following receipt of notice of abandonment from Grantor to Grantee, and on such abandonment, Grantee will then execute any and all necessary documents to evidence such abandonment.

Grantee shall maintain the easement in accordance with applicable City Code provisions.

WITNESS THE FOLLOWING SIGNATURES AND SEAL this 24<sup>th</sup> day of August, 2004.

ATTEST

CITY OF EL PASO

Richarda Duffy Momsen  
City Clerk

Joe Wardy  
Mayor

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Theresa Cullen-Garney  
Theresa Cullen-Garney  
Deputy City Attorney

Irene D. Ramirez  
Irene D. Ramirez  
Interim City Engineer

ATTEST:

GRANTEE: THE EL PASO ELECTRIC  
COMPANY

Name: \_\_\_\_\_

John A. Whitacre  
Name: John A. Whitacre  
Title: Vice President - T & D

THE STATE OF TEXAS     )  
  )  
COUNTY OF EL PASO     )

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2004,  
by Joe Wardy as Mayor of the City of El Paso, Texas.

\_\_\_\_\_  
Notary Public, State of Texas

My Commission Expires:

THE STATE OF Texas     )  
  )  
COUNTY OF El Paso     )

This instrument was acknowledged before me on this 11<sup>th</sup> day of August, 2004,  
by John A. Whitacre, as Vice President, for the El Paso Electric Company.

Hilda Vargas  
Notary Public, State of Texas

June 26, 2005  
My Commission Expires:

